

California Architects

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Restructured California Exam Ready for 1999

By Marc Sandstrom

Marc Sandstrom, Board president for 1999, chaired the CBAE Supplemental Examination Subcommittee in 1998. Joining him on the subcommittee were Raymond Cheng, Kirk Miller, Charles Brown, Glenn Gall, Lucille Hodges, George Ikenoyama, and Fred Yerou. The subcommittee has the primary responsibility of overseeing the content, development, and administration of the California Supplemental Examination.

The CBAE has just concluded a two-year, in-depth effort to determine the appropriate answers to three critical questions:

1. Is there a need to require a separate California examination to complement the national Architectural Registration Exam (A.R.E.)?
2. If a separate California examination is a valid requirement, what content is essential to reflect the current elements of California architectural practice as it relates to public health, safety, and welfare?
3. What format would most effectively and efficiently determine that a candidate possesses the minimum competency necessary to be licensed to practice in California.

The Board assigned the Supplemental Examination Subcommittee the task of developing recommended answers to these questions. That effort began in January 1997, utilizing the combined expertise of several panels of volunteer architects and the test development skills of Professional Management Evaluation Services, Inc. (PMES).

The results of this extensive analysis are as follows:

1. A separate California examination is required.

The subcommittee's review convincingly demonstrated that special circumstances and conditions distinguish architecture in California and require practitioners to have additional knowledge and skills. Those special circumstances are more fully described in the section of this newsletter entitled "Influences on California Architectural Practice."

2. The examination content should reflect current practice demands.

Because it had been nearly ten years since the last major revision of the California exam, the subcommittee focused its efforts on exploring the nature of current architectural practice in California. Our volunteer architects, made up of a broad range of practice and geographic settings, contributed hundreds of hours to this task. Their efforts allowed the consultants and subcommittee to construct a comprehensive survey to determine what tasks and knowledge were important to architects throughout the state.

In September of 1997, a job analysis survey was sent to 3,450 California licensed architects selected scientifically to represent a cross-section of length in service and geographic location. Results from that survey are available at the CBAE web site at www.cbae.cahwnet.gov.

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EXAM *continued*

The survey reflected the 33 areas deemed essential to practice in California. To avoid duplication, those 33 areas were compared against subjects covered on the national A.R.E. Eleven areas were found to be adequately covered nationally, leaving 22 critical areas to be addressed in a California exam.

3. A project-based oral format should be utilized.

The subcommittee and its architect panels found that while the national A.R.E. format tests adequately for factual knowledge, that format did not currently test the candidates' ability to integrate those facts to solve problems in the lifecycle of an architectural project.

To fill this void, the subcommittee and its team developed a real-world, project-based format that allows candidates both to demonstrate their knowledge of California-specific information, as well as to recognize and solve problems.



While a series of essay-type questions may have theoretically worked, it was determined that the oral format was the most efficient and fair for the candidate since the exam could be taken in about one hour, with results determined quickly. As in past oral exams, the candidate will take the exam in front of three commissioners after a 20-minute review of the project scenario that forms the basis for the commissioners' questions.

The Board would like to extend special thanks to Sally Gensberg, Raymond Bradley, and Michele Hardoin of PMES and the nearly 100 architects who worked a combined 4,000 hours to develop and validate this new exam. Without their efforts and those of our 400 examination commissioners, this important contribution to public protection and the profession of architecture would not have been possible.

Focus Group Meetings a Success

In the fall of 1998, CBAE conducted five customer focus group meetings to gather broad-based input for the organization's strategic planning process. Each group included representatives from a separate area of the design and construction industry:

- AIACC members
- Forensic specialists (architects, insurance representatives, attorneys)
- Institutional clients
- Contractors and developers
- Building officials

The focus group meetings were held at the CBAE office in Sacramento and were facilitated and graphically recorded by Daniel Iacofano of Moore Iacofano Goltsman, Inc. (MIG). All five meetings followed a standardized agenda designed to gather participant feedback on the knowledge, skills, and competencies of today's professional architects and the areas in which architects need to improve in the future. Participants also provided feedback on CBAE's role, effectiveness, and areas needing improvement, with an emphasis on the specific elements of CBAE's mission. We will provide the results of those meetings in upcoming newsletters.

The exam contains two major categories subdivided into five primary content categories:

I. Organization of Architectural Practice

- A. Professional Services
- B. Professional Organization
- C. Professional Responsibilities

II. Delivery of Architectural Services

- A. Research, Design Analysis and Programming
- B. Design Implementation



Enforcement Actions

The CBAE is responsible for receiving and screening complaints against licensees and performing some of the investigation into these complaints. The Board also retains the authority to make final decisions on all enforcement actions taken against its licensees.

Included below are brief descriptions of recent enforcement actions taken by the Board against its licensees and unlicensed persons who were found to be in violation of the Architects Practice Act.

Every effort is made to ensure that the following information is correct. Before making any decision based upon this information, you should contact the Board. Further information on specific violations may also be obtained by contacting the Board.

ADMINISTRATIVE ACTIONS

KENNETH L. BUTTS

(Canoga Park)

Effective November 23, 1998, Kenneth L. Butts' architect license #C-4071 was revoked; however, the revocation was stayed, his license was suspended for 90 days, and he was placed on three years probation with certain terms and conditions. An Accusation was filed against Mr. Butts for violations of Business and Professions Code section 5586 (Public Agency; Disciplinary Action). This case arose when the Board received information that the regulatory agencies in Montana, Kansas, and Ohio had revoked the architect's licenses held by Mr. Butts in each of these states because he had been disciplined by the state of Kentucky for affixing his seal/stamp on plans prepared by someone other than himself or employees under his supervision. The Board's disciplinary action was based on the disciplinary action taken by Montana, Kansas, and Ohio.

CHARLES SCOTT HUGHES

(Arlington, VA)

On November 30, 1998, the Court of Appeal of the State of California Third Appellate District ruled that the California Board of Architectural Examiners did not impose an excessive sanction when it revoked the architect's license of Charles Scott Hughes in July 1993. The Court concluded that the discipline imposed by the Board was well within its discretion and affirmed the revocation. Mr. Hughes was disciplined by the Board for deceptive acts he committed before he received his California license.

In February 1990, Mr. Hughes applied for an architect's license in California. He said he had never been convicted of a crime; in a supplemental filing the next month, he mentioned the Virginia charge but said it had already been dropped. He passed the required examination and was licensed in September 1990.

In 1991, the Board learned that Mr. Hughes had done the following: 1)

substituted the certificate of registration of another architect and falsely stated on the AIA application that he was registered as an architect in the District of Columbia since 1977; 2) falsely stated on his resume that he was a graduate of the University of Virginia and a registered architect in Maryland, Virginia, and the District of Columbia; and 3) used the stamps or certificates issued to other architects on architectural plans that he personally had prepared in or about 1986. The Board filed disciplinary charges against Mr. Hughes in 1992 and in 1993 his license was revoked based on this misconduct.

On appeal, the case was heard in January 1998, by the California Supreme Court to determine whether or not the Board had the authority to discipline licensed architects for pre-licensure misconduct. On March 26, 1998, the Court ruled that the Board had the authority to discipline licensed architects for pre-licensure misconduct. The Court returned the case to an appellate court to decide whether revoking Mr. Hughes' license was excessive punishment. The appellate court concluded that the Board's revocation of Mr. Hughes' license was not excessive punishment.

PHILIP GORDON WIRE

(Woodside)

Effective January 5, 1999, Philip Gordon Wire's Application for Re-examination for the Architect Registration Examination was denied

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Recently, the Board of Architectural Examiners

asked me to talk about my “frontline” experiences with client complaints against architects. As the executive director for a local component of the American Institute of Architects (AIA), I am often the first to encounter the raw wrath of the angry architectural consumer. My job in these instances is to discern the true nature of the problem and advise a course of action.

For the record, we have very few complaints against architects, so my comments should be put into perspective. If I get more than two disgruntled calls a week in my area, I would say it's unusual. For the most part, architects enjoy a very high level of respect from the public and, conversely, architects are good to their clients.

However, as in any business endeavor, there is room for improvement and much to be learned by those rare cases when things don't go exactly as planned. After fielding complaints for more than seven years and comparing my stories with those of my peers around the country, it's amazing how similar these problems are from one city to another.

You learn in architecture that every project offers unique challenges. But I have learned that when things go bad on any project, they usually relate back to every job's core ingredient — COMMUNICATION.

Communicate Early and Often

by **David A. Crawford,**
Hon. AIACC



What's the Problem?

A typical call from an angry consumer consists of the individual detailing for 15 to 20 minutes the events leading up to his or her “wits end” call to the AIA. After they vent their frustrations, I launch into a set of questions about written contracts, phases of construction, instruments of service, payment schedules, etc., to best understand where the problem lies.

Most often, the client perceives the problems to fall into one or more of the following areas:

“The architect won't turn over the plans to me so I can bid the job.”

“The architect isn't delivering plans on time.”

“The architect is overcharging me for the small amount of work he/she has done.”

“The architect won't return my calls.”

“The architect misrepresented his/her credentials.”

“The architect lied about who would actually perform the work.”

“The architect doesn't show up to meetings.”

As we discuss their project problems, I always ask one question — have you discussed this with your architect? Surprisingly, a high percentage will say, “No, I wanted to get somebody else's opinion first.” With this answer, I know that the level of trust in this relationship is nil and the chance of further animosity looms large.

As an architect, there are several things you can do to prevent such phone calls.

Highlight Expectations

Most first-time design service consumers enter into a business relationship with a perception of what an architect does. Architects should never take for granted that the consumer's perception is right. For example, I've had calls from clients who believe it's the architect's financial responsibility to supply them with as many sets of plans whenever they want them. To a design professional this may sound silly, but to a rookie client it may be an important consideration.

Thoroughly explain what services you perform and deliver for your compensation. A good document to help with the education of a client and a helpful tool in facilitating the discussion of services is the AIA publication, *You And Your Architect*. This booklet helps the architect and client walk through the levels of service a design professional can offer.

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COMMUNICATE *continued*

Define Plans vs. Services

Fifty percent of the complaints we receive come from clients who have had a falling out with their architect and have terminated services. They want their plans that have been completed to date so they can either hire another designer to finish the construction documents or a contractor to start building.

As an architect, you know that plans belong to you and that legally they are considered instruments of service. Your clients often don't know that. Their perception is that you are producing a product for them to use in constructing their project.

In educating a new consumer of architectural services, one of the first lessons should be that architects provide services, not products. Let the client know that you retain all rights, including copyrights, to all plans and specifications unless otherwise contractually agreed upon. I have had clients tell me they were planning to use plans for multiple spec projects without the architect's knowledge.

Set Boundaries

So many times, we hear from frustrated clients that their project is over budget and not on schedule. They often blame their architects for not anticipating changes to the project or over designing. While I often find that the clients have added to the scope of the project and share in the responsibility for problems, it still comes back to communication during the contract negotiation stage.

Many times, architects who want to solidify a contract or just be a "nice" person will waffle and give clients some leeway with design changes. Unfortunately, with no firm boundaries or timetables set, clients believe they have an open invitation to change the scope of a job at any time. We know what kind of havoc that can wreak; but most clients don't have a clue. Make this a major discussion item with your clients early in your relationship.

You also need to be frank about the imperfection of the design and construction process. It's a matter of "if" not "when" there will be a problem on a building project. The sooner that message is delivered, the easier it will be to deal with problems that arise.

Represent Yourself Accurately

It's common for firms to secure jobs with principals or marketing personnel in the office, then pass the work off to other project architects or associates. While there's nothing wrong with that practice, clients need to be informed of how your office operates. We often receive complaints from clients who contracted a project with an architect who never saw the project again because he/she has farmed it out in the office or (even more common in very busy times) to a designer outside the firm. Clients feel neglected and rarely hear back from the prime architect.

In addition, we receive calls in our chapter almost daily from consumers checking 1) if the architect is licensed by the state and 2) if the architect claiming to be an AIA member is in good standing with the organization.

Since the recession of the early-mid 1990s, there has been an increase in complaints against architects using the AIA trademark illegally. Many who were forced to leave the organization because of financial hardship did not remove the AIA initials from letterhead, title blocks, business cards, and Yellow Page advertising. This is a violation of trademark law that the AIA is dedicating energy to police.

More important is your reputation. Not everyone is, or can afford to be, an AIA member. Clients can accept that. They can't accept lying.

Avoiding Litigation

In our litigious and sometimes crazed society, it's all too easy to begin placing blame for problems in a project at an early stage. Many of the clients we hear from are accustomed to the inside of a courtroom and begin laying the groundwork for lawsuits before the ink is dry on the contract. By addressing these simple items before the project begins, many problems can be minimized or avoided.

By communicating early, you may be much more inclined to employ a strategy Henry Ford used to espouse. When faced with a problem in his production of automobiles he would say, "Don't find fault. Find a remedy."

David Crawford is the executive director for the San Diego Chapter of the American Institute of Architects. Before moving to San Diego, Crawford worked for the AIA California Council as an in-house lobbyist and director of professional practice.



Limited Liability Partnership, New Law Provides for LLP Status

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With the passage of Assembly Bill 469 (Cardoza)—one the AIACC's primary sponsored pieces of legislation this year—architects can now join accountants and lawyers in forming limited liability partnerships (LLPs). A hybrid of a corporation and a general partnership, an LLP offers its owners limited liability and pass-through income tax treatment, yet can be run without the formalities generally required of a corporation.

How LLPs Operate

Functionally, an LLP is managed, operated and taxed on its income like a general partnership. Unless an agreement between the LLP partners provides otherwise, every LLP partner has an equal right to participate in the management and affairs of the LLP. This contrasts with a corporation which, typically, is managed by a Board of Directors elected by the shareholders. Also, LLPs are not required to have officers and directors, hold annual meetings, or keep formal records such as minutes or resolutions.

While an LLP must file an informational tax return, its income is passed through to its partners and taxed at the individual partner level, without any income tax assessment at the LLP entity level. Corporations are taxed on their income at the

entity level and their shareholders are then taxed again at the individual level when the income is distributed as dividends. Although a corporation may avoid this result by making an election under Subchapter "S" of the Internal Revenue Code, eligibility restrictions imposed on shareholders and limitations on the deductibility of certain expenses may render the "S" status undesirable.

Notwithstanding pass-through tax treatment, for state tax purposes, an LLP is subject to an \$800 annual California franchise tax for the privilege of doing business as an LLP.

Restriction on Ownership

Like a professional architectural corporation formed pursuant to the Moscone-Knox Professional Corporation Act (in contrast to those formed under California's General Corporation Law) ownership in an LLP is limited to licensed professionals. Thus, business managers, financial experts, financial investors, or others who are not licensed as architects are disqualified from participating in the ownership of an LLP.

The Scope of Limited Liability

Perhaps the greatest benefit of becoming an LLP is the rule that an LLP partner's personal assets will

generally NOT be at risk in the event of a financial disaster resulting from business losses, or errors and omissions or other tortious conduct of an employee or a co-LLP partner. Thus, the LLP law eliminates personal exposure for vicarious tort liability as well as liability for partnership debts and obligations such as bank loans and lease obligations. The LLP law does not, however, change the fact that an LLP partner will still be personally liable for his or her own errors and omissions; whether arising from his or her own acts or failures to act, or negligent supervision of associates and staff. This differs markedly from general partnership law which imposes joint and several liability on general partners for all tortious acts of their co-partners acting within the scope of their actual or apparent authority, and joint liability for all other partnership debts and obligations.

Security and Insurance

To mitigate the public's concern over the limitation of liability discussed above, LLPs must maintain some form of security against potential malpractice claims. The LLP must maintain this security at all times during which it transacts business.

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LIABILITY *continued*

For architects, the security may consist of any one or a combination of: 1) professional liability insurance policies with minimum limits of \$100,000 per claim, multiplied by the number of licensed persons rendering professional services on the LLP's behalf, up to a maximum of \$5 million, but in no event less than \$500,000 even if there are fewer than five licensed persons; or, 2) a trust, bank escrow, cash, or other similar and relatively liquid assets in an amount of at least \$100,000, multiplied by the number of licensed persons rendering professional services on behalf of the LLP, up to a maximum of \$5 million, but in no event less than \$500,000 even if there are fewer than five licensed persons. In lieu of the above, an LLP may annually file a statement with the Secretary of State certifying that it had a net worth equal to or exceeding \$10 million as of the most recently completed fiscal year.

If insurance is selected as the security mechanism, such insurance must, if reasonably available, be maintained for a minimum of three years following the LLP's dissolution, or, the LLP must obtain an extended reporting period endorsement for the same period.

Unless the LLP has satisfied the security requirements through a certification of its net worth, each LLP partner, by virtue of his or her partnership status, is automatically deemed to guarantee payment of any claim to the extent security in the form of insurance and/or liquid assets at the required levels is not provided.

Conclusion

The LLP law as it applies to architects became effective January 1, 1999. To form an LLP, architects need to file a certificate of registration with the California Secretary of State and pay a \$70 filing fee. As of the date of this writing, the Board of Architectural Examiners has not implemented any rules requiring registration at the entity level.

On the Board's web site is a chart with a comparison of requirements for the formation of an LLP, Corporation, General Partnership, or Sole Proprietorship. This comparative overview may help guide you in determining the best method to pursue for your particular business endeavors and circumstances.

CBAE Elects New Board

Officers for 1999

At its December 4, 1998 meeting, CBAE elected its officers for 1999.

Marc Sandstrom, a public member of the Board since 1996, was elected President. Sandstrom served as Vice President in 1998 and chaired the California Supplemental Examination Subcommittee, and the Communications Committee, and served as a member of the Executive Committee. Prior to his retirement as an attorney, Sandstrom, who resides in Sacramento, was active in real estate law, construction, and development.

Ed Oremen, FAIA, an architect member of the Board since 1994, was elected Vice President. Oremen, who is the President of Oremen Associates in San Diego, served as President of the Board in 1995. In 1998, he served as chair of the Professional Qualifications Committee and member of the Executive Committee. He is currently serving as chair of the NCARB Intern Development Program Committee.

John Canestro, a public member of the Board since 1997, was elected Secretary. Canestro, who served on the Regulatory and Enforcement Committee in 1998, has his own consulting engineering firm in Pleasanton. A registered engineer and a certified building official, he resides in Castro Valley.



New Board Member Appointed

On December 17, 1998, Governor Pete Wilson appointed Albert C. Chang as a public Board member. Chang, who has a real estate broker's license, owns an import/export company in San Francisco. He graduated from Taiwan Chung Hsing University and attended the University of California Berkeley. He is a past president of the Chinatown Merchants Association as well as a past president of the San Francisco Fair. His term expires June 1, 2000.



Influences on California Architectural Practice

Introduction

Charged with protecting the public's health, safety, and welfare, the California Board of Architectural Examiners (CBAE) implements and enforces professional licensing laws to ensure that only qualified individuals obtain and hold the right to practice architecture in the state. A critical activity of the Board and its committees is to review and update the criteria that define the threshold requirements for architectural competency. Currently, the assessment criteria include successful completion of the California Supplemental Examination (which has been and continues to be given in an oral format) after successful completion of the Architect Registration Examination (ARE), the national architectural exam developed by the National Council of Architectural Registration Boards (NCARB). NCARB states that no single examination can test for competency in all aspects of architecture, and the ARE is not intended for that purpose. Although the ARE tests discrete knowledge, skills, and abilities necessary to provide the various services required in the design and construction of buildings, it does not currently address a candidate's ability to integrate that knowledge into the complex framework of practice that is necessary to be a competent architect in the State of California.

The test plan, which is the foundation for the California Supplemental Examination, has undergone a major revision in accordance with the outcomes of a statewide survey of architectural practice conducted in the fall of 1997.

A fundamental precept underlying California's examination and licensure process is that practice of architecture in this state is inextricably connected to the physical, social, political, and economic context which sets the state apart and makes it unique. At first glance, it may

appear that California has no particular characteristic not possessed by some other state. For example, other states have unique coastal exposure, mountain ranges, and climatic variations. But when closely examined, California presents a complex context for architectural practice that sets it apart from all other states by combining a multitude of diverse characteristics. It follows that broader skills and knowledge are necessary to practice safely and effectively here.

California's great physical size, large and diverse population, diverse landscape and climate, high seismicity, and particular legal framework create an intricate context for the conduct of architectural practice. The following information, pertaining to the unique physical aspects and social and legal characteristics of life in California, illustrates the particular complexity and distinct nature of architectural practice in the state and supports the continued development and administration of the supplemental examination.

Characteristics of California that Influence the Practice of Architecture

Size: California has approximately 838 miles of coastline along the Pacific Ocean. The state encompasses almost 159,000 square miles of land, approximately 4% of all the land in the United States. It ranks third in size among the states, surpassed only by Alaska and Texas. The shape of the state in relation to the coastline on the west and mountainous terrain on the east has influenced the way in which urbanization has occurred since the times of early settlement. This configuration has led to a linear distribution of urbanization and corresponding adaptation of infrastructure and services. Rapid linear and low intensity urbanization has been facilitated by a transportation system heavily dependent on the automobile.

Implications for Architectural Practice: The capacity of the state for new construction

activity remains high as urban areas mature and intensify and new growth occurs. The result is a high volume of building activity with a broad variety of project types. Architects in California must be prepared to deal with this volume and complexity.

Population: California is the nation's most populous state (over 30 million people), which is over 40 percent more than the second most populous state of New York. One out of nine people in the U.S. lives in California. More than 90 percent of California's population resides in urban areas, with 27 percent of the state's residents living in the top ten most populated cities and with 44 cities having populations in excess of 100,000. The state experienced an increase in population of more than 25 percent between 1980 and 1990 alone. It is estimated that the population will increase another 50 percent by the year 2025. The major increase is estimated to occur in the Hispanic population, increasing from approximately 29 percent of the state's total population to 42 percent. In contrast, the non-Hispanic white population is estimated to reduce from approximately 52 percent to 33 percent.

While most of the urban areas are located along the Pacific coast, there are significant urban centers in the central interior valley areas. Los Angeles and the surrounding metropolitan area represent the second largest concentration of population in the country, second only to the New York metropolitan area.

California's position at the eastern edge of the Pacific Rim and at the border with Mexico has created a particularly unique mix of populations. No other state has experienced influx and change in demographic composition on such a massive scale in such a short period of time. Along with ethnic diversity have come changes in communication, business

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practices, lifestyles, and other facets of a multi-cultural environment.

Implications for Architectural Practice: The California population includes over 20 percent of all licensed architects in the U.S. Of all building-related professions, architecture requires a more complex combination of highly disciplined communication and technical skills. The myriad of participants in the building construction industry, from so many educational and cultural backgrounds, make the practice of architecture more complex and challenging in California. Often cultural differences mean a completely different understanding of the same objective circumstances, hence more energy must be advanced to reach common goals or to even discover what the goals are.

Varied Landscape and Climate: California has exceptionally varied geography. Within its boundaries are the highest and lowest points in the contiguous United States—Mount Whitney reaches nearly 14,500 feet and is only 85 miles from Death Valley which is the lowest point in the Western Hemisphere at more than 280 feet below sea level. The state stretches over 800 miles from north to south.

California has a varied climate pattern, the result of its complex geography and wide latitudinal range. Temperatures are mild along the coast with relatively small variations between the warmest and coolest months; the southern coast is somewhat warmer than the central and northern coasts. The Central Valley has wide temperature variations, but other parts of the interior are either markedly hotter (Death Valley and the Mojave Desert, for example) or colder (the lofty peaks of the Sierra Nevada).

No other state can boast the varied types of coastal exposure of California. Few, if any states can claim the climatic variations. None can claim the geographic variation, and no other state has the varied geologic conditions. These unique climatic and physio-graphic conditions have greatly influenced California's settlement

patterns, economic development, and political environment. In addition, these conditions present a unique confluence of natural hazards faced by California inhabitants, with the combination of earthquake, flood, and wildfire hazards concentrated in its most populous areas.

Implications for Architectural Practice: Architects who practice in California are faced with landscape and climatic conditions more varied than in any other state. These conditions require integration of knowledge corresponding to these conditions and applying that knowledge appropriately in the California setting. The varied climate and landscape produce a corresponding variation in construction methods and materials, placing a greater demand on the knowledge and skill base required for safe practice. More importantly, the context of California requires appropriate project designs that consider its confluence of natural hazards. Finally, these conditions often result in the employment of specialized research assistants and consultants whose work must be coordinated by and with the architect.

High Seismicity: The well-known San Andreas Fault, which cuts through the Coast Ranges as a visible fracture in the Earth's crust, is one of the most active faults and certainly the most visible source of seismic activity. However, there are numerous active earthquake faults throughout California, and several of the recent damaging earthquakes have occurred on "inactive" or "dormant" faults. There have been 20 earthquakes over a magnitude of 5.8 on the Richter scale in the past 20 years.

The Northridge quake that occurred on January 17, 1994 had a magnitude of 6.7 on the Richter scale, caused 57 deaths, injured nearly 9,000 people, and caused damage in excess of \$20 billion. The chance of an earthquake of a magnitude of at least 7.0 occurring in California within the next 25 years is better than 50 percent, with the odds increasing as time progresses. Relative to the California Building Code, the majority of the state is

classified as Seismic Zone 4 (the highest classification).

Following the Northridge quake, the Seismic Safety Commission (SSC) studied the outcomes of the earthquake relative to seismic safety issues at the governor's executive order. The SSC's recommendations were presented in a report entitled "Turning Loss to Gain." The report acknowledged that California buildings, thanks to seismic codes written and enforced here for the last 50 years, are better able to withstand earthquakes than buildings elsewhere. California's buildings and infrastructure, and the people and programs that address the state's earthquake risk, are recognized as being among the best in the world.

Implications for Architectural Practice: While the building codes and practices are deemed generally adequate to protect lives, the SSC report found significant weaknesses in how planning laws and the design and construction of buildings and lifelines in the state are carried out.

In the report, the SSC stated that its single most important recommendation was "the enhancement of quality in design and construction." Of particular note is the report's focus on the need for design and construction professionals to protect Californians from the economic disasters that earthquakes cause. This is a dramatic departure from the previous emphasis by the commission on preventing human injury or loss of life due to building failure and may be a reflection of the changing California economy. It is yet another way in which the demands placed on architects, as members of the construction industry, are expanding.

The report also recommends the vigorous enforcement of licensing board rules regarding professional competence in seismic safety matters. This is especially pertinent to the California Supplemental Examination given that architects are primarily responsible for the seismic safety of architectural elements in buildings as well as for the coordination of architectural and engineering systems.

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Legal Framework: The unique physical and social environment of California is reflected in the structure, function, and actions of its government. California has led the nation in new legislation affecting the building and design industries. Examples of these laws and resulting regulations include the Field Act, Coastal Zone Initiative and California Coast Act, California Environmental Quality Act, energy conservation laws, disabled access laws, mechanics lien laws, Design Professionals Lien Law, Hospital Seismic Safety Act, Essential Services Building Seismic Safety Act, and unreinforced masonry buildings laws.

Many of these legislative acts were unprecedented in this country. California's disabled access regulations, for example, eventually served as a model for other states and drafts of standards and regulations that are found in the Americans with Disabilities Act. The same can be said of the state's energy regulations. In other instances, legislation has remained unique to California (e.g., the Coastal Zone Conservation Act and mechanics lien laws).

California architects must be familiar with the regulations that govern or influence the nature of their work and the dynamic political culture to which they must continuously adapt. Local design regulations and regulations pertaining to the use of land (its subdivision, improvement, and sale), with their resultant effects on local government, combine to make the practice of architecture in California distinctive.

Implications for Architectural Practice: Architectural practice has been, and continues to be, directly and significantly influenced by the nature of our state government and its legislation. The extent and complexity of the regulatory process, for example, has led to different procedures for documentation of building design for conformance with the state's regulations. This requires knowledge and skills specifically tailored to practice in California.

Not only does this legislative environment affect the buildings that architects design, but also the way they work. In many cases new fields of specialization within the broad spectrum of practice have been created, and many disciplines have been added to the teams that build this state as direct results of the state's innovative legislative processes. As a further result, the role of the architect in government has expanded and diversified.

For example, California architects have been influential in the development of regulations pertaining to retrofitting of unreinforced masonry buildings. Others have developed specialized areas of practice directed to seismic upgrade of existing structures.

One significant consequence of an intricate regulatory environment is that the responsibility for determining priorities and resolving conflicts among regulations falls directly upon architects. This is one of many reasons it is so important for practitioners in California to have demonstrated knowledge and ability to apply the regulations unique to California.

Economy: California has the most productive economy of any U.S. state, leading in areas such as agriculture, energy, entertainment, forestry, mining, manufacturing, technology, tourism, and transportation. California also represents the world's seventh largest economic unit.

A significant consideration is California's global economic position as the result of its unique resources, combined with its location on the eastern edge of the Pacific Rim. Unequaled and increasing volumes of goods pass through the ports of Los Angeles and Long Beach and other ports to the north and south. Among many other things, this has resulted in the remaking of transportation links and distributions systems that have, and will continue to have, influence on settlement patterns, building types and redevelopment of previously urbanized areas that are already in a state of cultural flux due to immigration. This is merely one

example of the growth and change in the California economy that is forecast to have major effects on the built environment of the twenty-first century.

Population increases in unsurpassed numbers are also forecast for the next 20 years. The nature of this increase, much of it from immigration from outside national borders will inevitably impact the entire infrastructure of the state. The result will be further urbanization and re-urbanization.

Implications for Architectural Practice:

Advances in technology and in the speed of information exchange are affecting everyone. However, the architectural profession in particular is experiencing turmoil due to the impact of computers, CAD systems, telecommunications, and other technological innovations. The degree to which impacts of technology are magnified by the settings in California is significant.

The increase in use of alternative methods of project delivery, and the development of nontraditional special services (e.g., expert witness) are, in part, arising from the state's changing and growing economy. The importance of economic factors relative to the practice of architecture is evident. To the extent these factors are uniquely influencing practice in California is a subject of some debate. What is beyond dispute, however, is the fact that economic growth and change in California will act synergistically with its combination of unique characteristics already cited above.

Conclusion

The pressure to accommodate change with increased speed has traditionally impacted the profession, placing pressure on architects to stretch the limits of their capacity to practice safely. To meet these unprecedented challenges, the profession in California must continue on its innovative and leading edge track in order to adapt.



Implementing the Federal Personal Responsibility and Work Opportunity Reconciliation Act

In 1996, the federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) was signed into law. The PRWORA requires government agencies in the United States to eliminate public benefits to individuals who cannot provide proof of their legal status in the U.S. "Public benefits" include a broad range of services and programs, including any professional or commercial license provided by an agency of a state. In August 1996, Governor Wilson signed Executive Order W-135-96, calling upon California's state agencies, departments, boards, and commissions to implement provisions in a non-discriminatory manner as expeditiously as reasonably practicable. A subsequent review identified over 200 state programs affected by the new law.

The federal law mandates and the Governor's Executive Order requires the Department of Consumer Affairs (DCA) to verify citizenship or legal residence status of all those licensed, registered, and/or certified by DCA's 27 semi-autonomous boards, 4 bureaus, and 3 programs. When the program is implemented, *new applicants* for licensure will be required to declare their eligibility pursuant to the requirements of the PRWORA and the Board's regulations. Individuals with *existing licenses* will be required to declare their eligibility pursuant to the requirements of the PRWORA and the Board's regulations at their next renewal. Because DCA is responsible for more than 2.1 million licensees in

over 200 professions, incremental implementation is necessary.

Applicants for initial licensure will be required to declare and sign, under penalty of perjury, a form provided by the Board that they are one of seven legal status categories identified in the Board's regulations. The seven legal status categories are:

- ❶ a national of the U.S. (includes citizens);
- ❷ a qualified alien as defined by the PRWORA and the Board's regulations;
- ❸ a nonimmigrant alien under the Immigration and Nationality Act;
- ❹ an alien paroled into the U.S. for less than one year;
- ❺ a nonimmigrant whose visa for entry is related to such employment in the U.S., or a citizen of a freely associated state, if Section 141 of the applicable compact of free association approved in Public Law is in effect;
- ❻ a work authorized nonimmigrant or an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who qualified for such benefits and for whom the U.S. under reciprocal treaty agreement is required to pay benefits; or
- ❼ a foreign national not physically present in the U.S.

Any application in which the applicant fails to sign the declaration shall be deemed an incomplete application.

CBAE will continue to provide information on the implementation of this program as the information becomes available.

ENFORCEMENT *continued*

after the Board adopted a Proposed Decision ordering denial. The decision was based on Mr. Wire's criminal conviction in June 1995 of engaging in the unlicensed practice of architecture. The facts underlying the conviction were that in April and May 1994, as an unlicensed individual, Mr. Wire submitted sets of plans to the City of Cupertino which included a stamp containing his name, the title "Architect," his signature, the words "Registered Professional Architect, State of California," and a fictitious license number. During the course of these projects, Mr. Wire identified himself as the architect on the projects to the local building officials. An additional ground for denial was Mr. Wire's failure to pay a \$500 civil penalty which arose out of a citation which had been issued in October 1993 by the Board against Mr. Wire in a separate incident of engaging in the unlicensed practice of architecture.



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W I N T E R 1 9 9 9

July 1, 1999 Effective Date for California's New Building Code

The process of adopting a new uniform building code often generates confusion among architects and other building professionals. Though the code is revised every three years, the effective date is generally two years after the code date. For example, the 1997 Uniform Building Code will take effect on July 1, 1999.

The discrepancy in dates is caused by the complexity of the adoption process. First, the multistate model codes are developed and published in book format by various associations and conferences that include the International Conference of Building Officials, the International Association of Plumbing and Mechanical Officials, the National Fire Protection Association, and the Western Fire Chiefs Association.

Once these model codes are available, the California Building Standards Commission reviews, amends, and agrees to adopt the code as revised. The commission then establishes a publish date for the completed code, with the effective date following 180 days later. The publication date for the 1997 code was December 31, 1998, with the effective date following 180 days later on July 1, 1999. The publishing and effective dates vary with each new code, depending on the length of time it takes the commission to review and amend the code.

If you have any further questions about the upcoming 1997 California Uniform Building Code, please contact the California Building Standards Commission at (916) 323-6363, or visit their Web site at www.bsc.ca.gov/bsc/.

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